

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Rawlings, S.L.                      Art Unit: 1643  
Re:    Application of:                      LIAO et al.  
      Serial No.:                              10/040,128  
      Filed:                                    January 2, 2002  
  
      For:                                    ANTIBODY ANTAGONISTS OF  
    VE-CADHERIN WITHOUT EFFECTS ON  
    VASCULAR PERMEABILITY

**DECLARATION OF DEPOSITOR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

December 20, 2007

SIR:

I, Zhenping Zhu, hereby state:

1. That I am the Vice President of Antibody Technology at ImClone Systems, Inc. (New York, NY), which is the sole owner of the above-identified patent application.

2. That, on March 31, 2000, a sample of

Hybridoma Cell Line (Rat Spleenocyte/Mouse Myeloma) E4B9

was deposited on behalf of ImClone Systems Inc. with the American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20110-2209 ("ATCC"), in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number PTA-1618.

A copy of the accession agreement is annexed hereto as Exhibit A.

3. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited material referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited material

will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of any of the deposited material was received by the ATCC and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

12/26/2007  
Date



Zhenping Zhu  
Vice President, Antibody Technology  
ImClone Systems, Inc.

## **Exhibit A**

Deposit Receipt for Hybridoma Cell Line E4B9, ATCC Accession No. PTA-1618

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

ImClone Systems, Inc.  
Attn: Thomas C. Gallagher  
180 Varick Street  
New York, NY 10014

Deposited on Behalf of: ImClone Systems, Inc.

Identification Reference by Depositor:  
Hybridoma Cell Line (Rat Spleenocyte/Mouse Myeloma) E4B9

Patent Deposit Designation  
PTA-1618

The deposit was accompanied by \_\_\_ a scientific description a proposed taxonomic description indicated above

The deposit was received March 31, 2000 by this International Depository Authority and has been accepted

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested May 31, 2000 On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA

Signature of person having authority to represent ATCC:

  
Barbara E. Coupé, Administrator, Patent Depository

Date: June 13, 2000

cc: Lisa Wilson (Ref: Docket or Case No.: 11245/2)